

**NOTE:** Applications for persons born in the former TTPI who did not acquire citizenship under Section 301(a) or Section 301(b) of the Covenant should be adjudicated for possible acquisition under Section 301(c).

## **7 FAM 1126.5-5 Applicants Claiming Citizenship Under Section 301(c) of the Covenant**

(CT:CON-105; 06-01-2005)

Section 301(c) of the Covenant confers citizenship as of November 3, 1986 on a person who (1) was domiciled in the NMI on November 3, 1986, and (2) had been domiciled continuously in the NMI beginning before January 1, 1974,, whether or not he or she was a TTPI citizen. These applicants must provide the following proof of citizenship: See 7 FAM Exhibit 1126.7 Chart.

- (1) A certified copy of his or her birth certificate. If no birth certificate was filed, he or she must submit a letter of no record from the registrar of the applicant's country of birth, plus a baptismal certificate or other acceptable secondary evidence;
- (2) Documentary evidence of continuous domicile in the NMI from before January 1, 1974 through November 3, 1986. Evidence may include entry permits, passports, bank records, business licenses, NMI Social Security records, NMI tax records, children's birth or baptismal certificates, church records, Certificates of Identity, voting records, Trust Territory passports, Trust Territory census records, CNMI Immigration files, hospital or medical records, employment records, real property records, car registrations, etc.
- (3) A temporary absence from the NMI does not break the "continuity" of domicile as long as there is evidence that the applicant intended to return to the NMI. Evidence of intent may include evidence of money transfers to the NMI and/or evidence of the residence of family members in the NMI. The Barasi decision (see 7 FAM 1126.3(c)(3)) provides further guidance in defining continuous domicile.

**NOTE:** Through a court decision, members of the Pangelinan class do not have to present evidence of domicile for the period January 1, 1974 through March 6, 1977. Consular officers at U.S. embassies and consulates and Passport Specialists at Passports agencies and centers must review the list of plaintiffs in the Pangelinan case to determine if a 301(c) applicant is a part of this class. See 7 FAM Exhibit 1126.5-5 for a

*list of Pangelinan plaintiffs.*

## **7 FAM 1126.5-6 Minor Children of Applicants Claiming Under the Covenant**

(CT:CON-105; 06-01-2005)

- a. *The preamble to Section 301 of the CNMI Covenant confers U.S. citizenship on: "The following persons and their children under the age of 18". This language grants U.S. citizenship to the minor children of any person who acquired U.S. citizenship under Section 301 of the CNMI Covenant, no matter where the children were born or domiciled on November 3, 1986. This only applies to children who were under the age of 18 on November 3, 1986. Proof of the child's domicile is not required in these cases.*
- b. *In these cases, passport issuing officers at U.S. embassies and consulates abroad and U.S. Passport Agencies must first establish one natural parent's claim under Section 301(a), 301(b) or 301(c) of the CNMI Covenant. If the parent has been issued a U.S. passport, the consular officer or passport specialist must review the file through PIERS (since it must be determined that the transmitting parent acquired under the Covenant rather than the INA). A timely filed certified birth certificate showing the name(s) of the parent(s) must be provided as evidence of blood relationship.*
- c. *A child born outside the CNMI after November 3, 1986, does not acquire U.S. citizenship under the CNMI Covenant. Such a person may have a valid claim to U.S. citizenship at birth under Section 301, 308 or 309 INA.*
- d. *Children adopted by persons who acquired U.S. citizenship under Section 301 of the Covenant are also citizens under Section 301 as of November 4, 1986, if they were under the age of 18 and legally adopted by November 3, 1986. These applicants must provide evidence of their adoptive parent(s)' claim under Section 301(a), 301(b) or 301(c) of the CNMI Covenant, a timely filed certified birth certificate, and a certified adoption decree showing adoption before November 4, 1986. Such applicants need not be nor have been in the NMI at any time. Children adopted after November 3, 1986 do not acquire U.S. citizenship under the CNMI Covenant. However, such children may have a claim pursuant to Section 320(b) INA, as amended. These children must show entry to the U.S. for legal permanent residence. Entry under the compact of Free Association does not constitute entry in legal permanent resident (LPR) status.*

## **7 FAM 1126.6 Section 501(a) of the CNMI Covenant**

(CT:CON-105; 06-01-2005)

*Under the Sabangan decision (see 7 AM 1126.3(c)(5)), applicants claiming U.S. citizenship under Section 501(a) of the CNMI Covenant must have been born in the Northern Mariana Islands (NMI) at or after 11 A.M. (Saipan time) on January 9, 1978 and prior to 12:01 A.M. (Saipan time) November 4, 1986. As evidence of citizenship, such applicants must provide evidence of birth in the NMI during the relevant period, such as a certified birth certificate or a letter from a civil registrar that no record exists coupled with a baptismal certificate or other secondary evidence of birth.*

### **Section 501.**

*(a) To the extent that they are not applicable of their own force, the following provisions of the Constitution of the United States will be applicable within the Northern Mariana Islands as if the Northern Mariana Islands were one of the several States: Article I, Section 9, Clauses 2, 3, and 8; Article I, Section 10, Clauses 1 and 3; Article IV, Section 1 and Section 2, Clauses 1 and 2; Amendments 1 through 9, inclusive; Amendment 13; Amendment 14, Section 1; Amendment 15; Amendment 19; and Amendment 26; provided, however, that neither trial by jury nor indictment by grand jury shall be required in any civil action or criminal prosecution based on local law, except where required by local law. Other provisions of or amendments to the Constitution of the United States, which do not apply of their own force within the Northern Mariana Islands, will be applicable within the Northern Mariana Islands only with approval of the Government of the Northern Mariana Islands and of the Government of the United States.*

## **7 FAM 1126.7 Section 303 of the CNMI Covenant**

(CT:CON-105; 06-01-2005)

*All persons born in the CNMI after November 3, 1986 acquire U.S. citizenship at birth under Section 303 of the Covenant. The applicant must present a certified copy of his or her birth certificate or a letter from a civil registrar that no record exists coupled with a baptismal certificate or other secondary evidence of birth as proof of citizenship.*

## **7 FAM 1126.8 Northern Mariana Identification Card**

(CT:CON-105; 06-01-2005)

- a. The "former" U.S. Immigration and Naturalization Service (INS) issued a Northern Mariana Identification Card, from July 1, 1988 through July 1, 1990 only, to persons who could establish a claim to U.S. citizenship under the CNMI Covenant. This card may be accepted as evidence of U.S. citizenship in place of primary documents. However, if there is other evidence that indicates that the applicant did not acquire U.S. citizenship, the consular officer or passport adjudicator may require additional documentation.
- b. The face of the Northern Mariana Identification Card is similar in appearance to an alien registration card, but the general color scheme is red. The fourth line of data contains the place of issue (labeled "POI") rather than the place of entry, and an unlabelled eligibility code. The eligibility code is the letters "MI" followed by a 1, 2, or 3 to indicate the appropriate acquisition section of the Covenant.
- c. The reverse of the card contains the following text:

**CNMI Identification Card ...**

**The reverse side of the card reads:**

"THE PERSON IDENTIFIED ON THIS CARD HAS BEEN DETERMINED TO BE A CITIZEN OF THE UNITED STATES PURSUANT TO PUBLIC LAW 94-241 OF MARCH 24, 1976 AND PRESIDENTIAL PROCLAMATION 5564 OF NOVEMBER 3, 1986."

This is overprinted on a medium blue seal. The reverse also contains a line of reference numbers. The second number, a three-digit number, corresponds to the month of issue. If this number is less than 135 or more than 161, you should refer the card to the Department, CA/OCS/ACS, for verification with Department of Homeland Security (DHS). U.S. Passport Agencies should refer the card to the Agency Fraud Prevention Manager for verification.

## **7 FAM 1126.9 CNMI Applicants Claiming National Status**

(CT:CON-105; 06-01-2005)

Section 302 of the CNMI Covenant provides that a person who acquired U.S. citizenship under Section 301 can, within six months of November 4, 1986 or within six months after reaching the age of 18, become a national and not a citizen of the U.S. by making an oath before a U.S. court or CNMI court. If the applicant checks on the supplemental statement that he or she has

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*declared his or her intention to become a national and not a citizen, the court certification must be submitted. The applicant must also provide evidence of acquisition as outlined in this subchapter.*

***Passport Endorsement:***

*Place Endorsement 09 in the passport to show that the applicant is a non-citizen national. Endorsement 09 reads as follows:*

***THE BEARER IS A UNITED STATES NATIONAL AND NOT A UNITED STATES CITIZEN.***

**7 FAM EXHIBIT 1126.4b**  
**SUPPLEMENTAL STATEMENT FOR**  
**APPLICANTS CLAIMING CITIZENSHIP UNDER**  
**PUBLIC LAW 94-241**

(CT:CON-105; 06-01-2005)

*This statement must be completed by every applicant for a United States passport who claims to have acquired United States citizenship under the provisions of Section 301 of the Covenant to Establish the Commonwealth of the Northern Mariana Islands in Political Union with the United States. (Public Law 94-241, approved March 24, 1976, and effective on November 4, 1986). When completed, this statement becomes a part of the application for a passport with which it is submitted.*

1. I, \_\_\_\_\_

(Name)

2. was born on \_\_\_\_\_ at \_\_\_\_\_.

Date mm/dd/yyyy (city, state/province, country)

3. I did [ ]

I did not [ ]

*owe allegiance to or was a citizen or subject of any foreign state as of the effective date of Section 301 of the Covenant.*

4. I have [ ]

I have not [ ]

*since acquiring United States citizenship under Section 301 declared under the provisions of Section 302 of the Covenant my intention to become a national but not a citizen of the United States.*

*(If you have made such a declaration, please provide a copy.)*

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5. From the date of my birth I have resided in the following places.

(Please list starting from your date of birth.)

<b>PLACE</b> (city, state/province, country)	<b>DATES</b> From mm/dd/yyyy to mm/dd/yyyy (Month/Day/Year)	<b>PURPOSE OF RESIDENCE</b>

*\*Indicate purpose of periods of residence outside U.S. or NMI: vacation, residence, business, studies, U.S. military service, U.S. military dependent,*

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*etc. If working abroad, give name of employer.*

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*Signature of Applicant*

*(Sign in presence of U.S. Consular Officer Or Passport Specialist/acceptance agent)*

*Subscribed and sworn (affirmed) to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.*

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*Typed Name of Consular Officer or Passport Specialist/Acceptance Agent*

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*Signature of Consular Officer or Passport Specialist/Acceptance Agent*

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*Title of Consular Officer or Passport Specialist/Acceptance Agent*

*Date*

*Seal/Stamp*



## 7 FAM 1126.5

### ACQUISITION OF U.S. CITIZENSHIP UNDER SECTION 301(A), 501(A) AND 303 OF THE CNMI COVENANT

(CT:CON-105; 06-01-2005)

*NOTE: These tables are intended for use only as a general reference guide, and should NOT be used to make determinations nor be cited in any case.*

<i>Date of Birth</i>	<i>Place of Birth</i>	<i>Status of Parent(s)</i>	<i>Domicile Required</i>	<i>Section of Covenant</i>	<i>Comments</i>
<i>On or after 12:01 a.m., 11/4/1986 (Saipan time)</i>	<i>NMI</i>	<i>N/A</i>	<i>N/A</i>	<i>303</i>	<i>Parent's status immaterial. Supplemental statement not required.</i>
<i>After 11 a.m. 01/09/1978 and before 12:01 a.m. 11/04/1986 (Saipan time)</i>	<i>NMI</i>	<i>N/A</i>	<i>N/A</i>	<i>501(a)</i>	<i>Parent(s)' status immaterial. Supplemental Statement not required.</i>
<i>On or after 11/5/1968 and before 11 a.m. 01/09/1978 (under 18 on the effective date of Section 301 of the Covenant)</i>	<i>NMI</i>	<i>one or both natural parent(s) U.S. citizens</i>	<i>N/A</i>	<i>first see INA; 301(c)</i>	<i>Adjudicate under applicable provisions of the INA. Exception: If both parents born in Guam before 1950, should generally adjudicate under Section 301(c) of the Covenant.</i>

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		<p>(1) both natural parents TTPI citizens; ---OR- -- (2) one natural parent born in TTPI [NMI, Palau (Belau), Caroline Islands or Marshall Islands]</p>	<p>Must have been domiciled in the NMI, the U.S. or its possessions on 11/3/1986.</p>	<p>(1) Section 301(a)  (2) Section 301(a) and Department interpretation of Dela Cruz decision</p>	<p>Blood relationship required. If born out of wedlock to a father born in TTPI, paternity must be established; however, legitimation is not required under the Covenant.</p>
	anywhere	one natural parent acquired under Section 301(a) of the Covenant	none	301(a) and Department interpretations of Dela Cruz decision and "and their children"	
		one adoptive parent acquired under Section 301(a) of the Covenant	none	301(a) and Department interpretation of "and their children"	Adoption must have been finalized before 11/4/1986.